

103D CONGRESS
1ST SESSION

S. 1417

To amend the Federal Water Pollution Control Act to provide for training and certification of individuals in the operation of wastewater treatment works, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, JUNE 30), 1993

Mr. WOFFORD (for himself and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for training and certification of individuals in the operation of wastewater treatment works, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wastewater Treatment
5 Operator Training and Certification Act of 1993”.

6 **SEC. 2. OPERATOR TRAINING.**

7 Section 109 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1259) is amended to read as follows:

1 **“SEC. 109. OPERATOR TRAINING.**

2 “(a) NATIONAL PROGRAM.—

3 “(1) IN GENERAL.—The Administrator shall
4 develop and implement a national program to train
5 individuals in the operation of municipal and indus-
6 trial wastewater treatment works and other facilities
7 with a water pollution control purpose.

8 “(2) REQUIREMENTS FOR TRAINING PRO-
9 GRAM.—The training program under this section
10 shall include—

11 “(A) the preparation of undergraduate stu-
12 dents enrolled in institutions of higher edu-
13 cation to enter an occupation that involves the
14 design, operation, and maintenance of
15 wastewater treatment works;

16 “(B) inservice training to improve and ad-
17 vance the knowledge and skills of individuals
18 employed in fields related to the design, oper-
19 ation, and maintenance of wastewater treat-
20 ment works; and

21 “(C) preservice training to be provided to
22 high school graduates who are not employed to
23 carry out the operation and maintenance of a
24 wastewater treatment works at the time the
25 training is provided.

26 “(b) TRAINING PROGRAM GRANTS.—

1 “(1) IN GENERAL.—The Administrator shall
2 make grants to, or offer to enter into contracts with,
3 the appropriate officials of institutions of higher
4 education, or combinations of the institutions, and
5 State agencies to support the development and im-
6 plementation of wastewater treatment training pro-
7 grams pursuant to this section.

8 “(2) GUIDANCE.—Not later than 1 year after
9 the date of enactment of paragraph (5), the Admin-
10 istrator shall publish guidance that specifies the
11 minimum elements of the wastewater training pro-
12 grams referred to in paragraph (1). The guidance
13 shall indicate the relative emphasis that shall be
14 given to—

15 “(A) facility design, operation, and mainte-
16 nance;

17 “(B) undergraduate, inservice, and
18 preservice training; and

19 “(C) training for industrial and municipal
20 facilities.

21 “(3) SOLICITATION OF PROPOSALS.—Not later
22 than 18 months after the date of enactment of para-
23 graph (5), the Administrator shall solicit proposals
24 from institutions of higher education, or combina-

1 tions of the institutions, and State agencies to pro-
2 vide training services.

3 “(4) TRAINING GRANTS.—The Administrator
4 shall, to the extent adequate funds are available,
5 award training grants to institutions of higher edu-
6 cation, or combinations of the institutions, and State
7 agencies for each fiscal year.

8 “(5) CONSIDERATIONS FOR AWARDING
9 GRANTS.—In awarding a training grant under this
10 subsection, the Administrator shall consider—

11 “(A) the demonstrated capability of the
12 applicant to provide training services;

13 “(B) the degree to which the proposed pro-
14 gram is consistent with the guidance published
15 pursuant to paragraph (2);

16 “(C) the results of any evaluation con-
17 ducted pursuant to paragraph (7); and

18 “(D) the degree to which the geographic
19 area to be served by the program that is the
20 subject of the grant proposal will, in combina-
21 tion with other programs funded pursuant to
22 this section, ensure the reasonable availability
23 of training programs throughout the United
24 States.

1 “(6) ALLOCATION OF GRANTS.—In allocating
2 available grant funds among training programs, the
3 Administrator shall consider the need for training in
4 the area served, as reflected in the report to Con-
5 gress issued pursuant to section 112(b).

6 “(7) REVIEW AND EVALUATION.—The Adminis-
7 trator shall provide for the review and evaluation of
8 each training program that receives funding pursu-
9 ant to this section not later than 3 years after the
10 program initially receives the funding, and every 3
11 years thereafter.

12 “(c) TRAINING NEEDS.—The Administrator shall de-
13 velop and maintain a system for forecasting the supply
14 of, and demand for, various professional and other occupa-
15 tional categories needed for the prevention, reduction, and
16 elimination of water pollution in each region, State, or
17 area of the United States.”.

18 **SEC. 3. OPERATOR CERTIFICATION.**

19 (a) IN GENERAL.—Section 110 of the Federal Water
20 Pollution Control Act (33 U.S.C. 1260) is amended to
21 read as follows:

22 **“SEC. 110. OPERATOR CERTIFICATION.**

23 “(a) IN GENERAL.—

24 “(1) CERTIFICATION.—The Chief Operator of a
25 publicly owned treatment works that has a permit is-

1 sued pursuant to section 402, and such additional
2 personnel as may be designated by the Adminis-
3 trator, shall be required to be certified as proficient
4 pursuant to this section by a State that has a cer-
5 tification program that is approved by the Adminis-
6 trator.

7 “(2) EFFECTIVE DATE.—The requirement re-
8 ferred to in paragraph (1) shall become effective on
9 the date that is 4 years after the date of enactment
10 of paragraph (4), unless the Administrator extends
11 the effective date pursuant to paragraph (3).

12 “(3) EXTENSION.—The Administrator may ex-
13 tend the effective date of the requirement referred to
14 in paragraph (1) for a period of not to exceed 3
15 years on a facility-specific basis if the Administrator
16 determines that, with respect to a facility, adequate
17 opportunity to seek certification did not exist during
18 the period described in paragraph (2).

19 “(4) CERTIFICATION GRANTED TO INDIVID-
20 UAL.—Each certification of proficiency issued by the
21 appropriate official of a State under this section
22 shall be granted to the individual that receives the
23 certification and shall not be granted to the treat-
24 ment works where the individual is employed.

1 “(5) PERIOD OF CERTIFICATION.—A certifi-
2 cation of proficiency issued under this section shall
3 be effective during the 5-year period beginning on
4 the date of certification. An individual may be
5 recertified on termination of the 5-year period (and
6 on termination of each subsequent 5-year period) if
7 the individual complies with inservice training and
8 related education requirements for the certification.

9 “(6) STATUTORY CONSTRUCTION.—Nothing in
10 this section is intended to be construed to prevent a
11 State from requiring more frequent certification
12 than is specified in paragraph (5).

13 “(b) GUIDELINES.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this subsection, the Admin-
16 istrator shall publish guidelines specifying minimum
17 standards for certification of operators by a State
18 pursuant to this section.

19 “(2) REQUIREMENTS FOR GUIDELINES.—

20 “(A) IN GENERAL.—The guidelines de-
21 scribed in paragraph (1) shall specify minimum
22 standards for a Chief Operator of a publicly
23 owned treatment works and for such additional
24 personnel as the Administrator determines ap-
25 propriate for proficiency certification.

1 “(B) ADDITIONAL STANDARDS.—In addi-
2 tion to the standards referred to in subpara-
3 graph (A), the guidelines shall establish such
4 additional standards as the Administrator de-
5 termines necessary to ensure proficiency in the
6 operation of large, complex treatment systems.
7 The guidelines may provide for onsite assess-
8 ment in any case in which the assessment is
9 necessary to determine proficiency.

10 “(3) TREATMENT WORKS OPERATOR’S MAN-
11 UAL.—Not later than 1 year after the date of enact-
12 ment of this subsection, the Administrator shall pub-
13 lish a treatment works operator’s manual that de-
14 scribes essential knowledge and skills of—

15 “(A) a Chief Operator; and

16 “(B) such additional personnel as the Ad-
17 ministrator determines appropriate to receive
18 operator proficiency certification.

19 “(c) STATE PROGRAMS.—

20 “(1) IN GENERAL.—Beginning on the date of
21 publication of the guidelines under subsection (b),
22 the Governor of a State may submit to the Adminis-
23 trator, in such form as the Administrator may re-
24 quire, a certification program under this section.

25 “(2) PROGRAM APPROVAL.—

1 “(A) IN GENERAL.—The Administrator
2 shall review and approve or disapprove a pro-
3 gram submitted pursuant to paragraph (1) not
4 later than 90 days after the submittal of the
5 application. The Administrator shall approve
6 the application on the basis of a determination
7 that—

8 “(i) the State certification program
9 will be consistent with the guidelines pub-
10 lished pursuant to subsection (b);

11 “(ii) the State has committed to im-
12 plement the program by not later than 1
13 year after the date of approval of the ap-
14 plication; and

15 “(iii) the State agrees to provide to
16 the Administrator such information con-
17 cerning the program as the Administrator
18 may request.

19 “(B) PROGRAMS IN EFFECT BEFORE THE
20 SUBMITTAL OF AN APPLICATION.—With respect
21 to any State that submits an application pursu-
22 ant to this subsection concerning a State certifi-
23 cation program that was implemented before
24 the date of submittal of the application, in mak-
25 ing a decision whether to approve the applica-

tion, the Administrator may consider the effectiveness of the program in effect on the date of submittal of a program pursuant to this subsection.

“(3) DISAPPROVAL OF PROGRAM.—In any case in which the Administrator disapproves a program, the Administrator shall provide to the State a written statement of the reasons for disapproval. The State may, not later than 90 days after receipt of the statement of the Administrator, submit to the Administrator such modifications to the application as may be necessary. Not later than 30 days after receipt of the revised application, the Administrator shall approve or disapprove the revised application.

“(4) ADDITIONAL REQUIREMENTS.—A State may establish a certification requirement in addition to the requirements established pursuant to this section.”.

(b) ENFORCEMENT.—Section 309(g)(1)(A) of such Act (33 U.S.C. 1319(g)(1)(A)) is amended by inserting “110(a),” after “violated section”.

SEC. 4. SCHOLARSHIPS.

(a) RELATIONSHIP TO TRAINING GRANT PROGRAM.—Section 111(3) of the Federal Water Pollution Control Act (33 U.S.C. 1261(3)) is amended by striking

1 subparagraph (C) and inserting the following new sub-
2 paragraph:

3 “(C) that the institution is participating in, or
4 has participated in, the training grant program
5 under section 109(b); and”.

6 (b) REPRESENTATION OF MINORITIES AND
7 WOMEN.—Section 111(3)(D) of such Act (33 U.S.C.
8 1261(3)(D)) is amended—

9 (1) by striking “and” at the end of clause (i);
10 and

11 (2) by striking the period at the end and insert-
12 ing “, and (iii) the institution will make reasonable
13 efforts to ensure representation of minorities and
14 women in the program.”.

15 **SEC. 5. DEFINITIONS AND AUTHORIZATIONS.**

16 Section 112 of the Federal Water Pollution Control
17 Act (33 U.S.C. 1262) is amended—

18 (1) in subsection (a)(1), by inserting after the
19 first sentence the following new sentence: “The term
20 shall include any community college, technical col-
21 lege, or State environmental agency.”;

22 (2) by striking subsection (b) and inserting the
23 following new subsection:

24 “(b) The Administrator shall, not later than 2 years
25 after the date of enactment of the Wastewater Treatment

1 Operator Training and Certification Act of 1993, and not
2 less frequently than every 2 years thereafter, submit a re-
3 port to Congress concerning the implementation of train-
4 ing, certification, and scholarship programs under sections
5 109, 110, and 111. Each report submitted to Congress
6 under this subsection shall include a forecast of the supply
7 of, and demand for, water pollution control profes-
8 sionals.”; and

9 (3) in subsection (c)—

10 (A) by inserting “(1)” after “(c)”; and

11 (B) by adding at the end the following new
12 paragraph:

13 “(2) There are authorized to be appropriated to the
14 Environmental Protection Agency to carry out sections
15 109 and 111, \$15,000,000 for each of fiscal years 1994
16 through 2000.”.

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